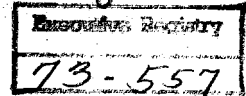


*Rec'd 31 Jan*



OGC 73-0158

30 January 1973

MEMORANDUM FOR THE RECORD

SUBJECT: ICRC Procedures

I called Richard Tufaro on 26 January and agreed on the draft procedures paper of 19 January with the following comments or reservations:

a. The paper as written cannot be adopted and published until the Archivist is added as a member of the Committee.

b. The resolution of the current problem concerning the AP appeal from the CIA denial would have to be accomplished before the paper could be published. That resolution would dictate whether the jurisdiction provision (section 2B.) could be modified also to exclude from the Committee's jurisdiction information concerning sources and methods.

c. With respect to the alternate proposed in section 3B., we opted for the bracketed language and the deletion of the language which followed the brackets.

d. I indicated that from the point of view of CIA we are quite satisfied with section 3C., which provides that the Committee will accept only the appeals which raise important issues and that the Committee will determine whether an appeal raises such issues. I suggested, however, that it seems to us quite possible that the Committee could be criticized for including this provision because it permits the Committee to fail to do what the Executive Order requires; that is, the Committee is failing to consider all appeals brought to it. We do not question the authority of the Committee to adopt a provision to protect itself from frivolous or harassing claims or from a stream of claims in such numbers

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that the Committee cannot handle them. We were not suggesting that the provision need be taken out but the Committee should be aware that such criticism might come and it might be necessary to change the provision at a later date.



STAT

Associate General Counsel

cc: SA/Information Control ✓